applicant. Thus, there is nothing objectionable with the amendment of the dependency of claims 3-7 and 9 to newly added claim 15 in light of the cancellation of claim 1 in the prior amendment. To do otherwise as suggested by the examiner would mean that all dependent claims noted need to be cancelled and be reintroduced as new claims with numbers subsequent to claim 15. Such requirement runs counter to established patent prosecution practice and lacks common sense.

As for the reliance on MPEP § 608.01(n) by the examiner to justify his objection, it is submitted that the examiner has erroneously focused onto something that has to do with the numbering of the claims as originally set forth in a newly filed application, which is not relevant once prosecution of the case begins. To wit, the examiner's attention is directed to the following clarification as stated in MPEP § 608.01(n) (IV):

> During prosecution, the order of claims may change and be in conflict with the requirement that dependent claims refer to a preceding claim. Accordingly, the numbering of dependent claims and the numbers of preceding claims referred to in dependent claims should be carefully checked when claims are renumbered upon allowance. At page 600-92 of Rev 7 version of MPEP, 2008.

Thus, the PTO in fact recognizes that the order of the claims may change during prosecution of the case. In view of the above explanation, the examiner's objection to claims 3-12 is submitted to be baseless and should be withdrawn.

Claim 12 is rejected under 35 USC 103(a) as being obvious over Fink (US4960412).

The examiner has objected to Claim 12 in view of Fink by suggesting that Fink in some way renders obvious the claimed arrangement where a reinforcement member of a different material extends parallel to the slit on opposite sides. It is submitted that the examiner is mistaken in this. It is clear that the holding bosses 50 are formed integrally with the valve itself. This can be seen from Figures 4 and 5 where the features 50, 58 and 60 are all in one piece, and from Figure 3, which shows that feature 60 is moulded integrally with the rest of the valve. So, the bosses 50 and feature 58 must also be integrally formed with the rest of the valve. The conclusion of this, therefore, is that Fink does not show any reinforcement member of a material different from the deformable material of the valve in the manner required by Claim 12. Indeed, Fink teaches completely away from the use of a different material by forming reinforcements integrally with the valve.

Also, it should be noted that Claim 12 requires a reinforcement member to extend "parallel to said slit on opposite sides". The reinforcement member 58 shown in Fink, by contrast extends at right angles to the slit and not parallel to it as required by our claim. Moreover, Fink in particular discloses that it is the tight fit between the holding bosses 50 and the cylindrical inner wall 36 of the valve body 24, as indicated by the arrows F shown in Figs 4 and 5, that maintains the lips 48 of the valve 32 in a sealing relationship to minimize or prevent leakage of blood when there is no catheter tube 22 extending through the valve 32 and also to close the valve lips 48 immediately after the withdrawal of catheter tube 22 (Col 4, lines 37-47). Thus, Fink clearly teaches that the slit 46 of his valve 32 is opened when a catheter tube forces open the valve lips 48, per shown in Fig. 3, and that when the catheter tube is removed, the lips 48 are returned to their closed position due to the built in biasing force exerted by the tight fit between the holding bosses 50 and the cylindrical inner wall 36 of valve body 24, which is not movable. There is therefore "no force applied externally along said slit" to open the slit, as required in claim 12. The rejection of claim 12 under Fink thus is submitted to be without merit.

Claims 3-11, 15 and 18 are rejected under 35 USC 103(a) as being obvious over Russo (US5775325), Russo (US6923184) and Lund (US5598840).

The cited documents for this rejection had been discussed at length in the previous responses. So instead of once again repeating those differences, the examiner's attention is directed to the following explanation on why the cited documents could not be combined under the examiner's rationale.

The Examiner concedes that Russo requires continuous manual pressure to hold the valve open and does not disclose anything like the claimed displaceable external member that is moved from a first to a second position to open the valve so that the suction catheter can be advanced or retracted through it. The Examiner then goes on to state that Lund teaches a slidable ring 450 to open a valve 400 and, therefore, that it would be obvious to use such an arrangement in Russo's valve. It is noteworthy that Lund is in the same field as Russo and the present invention in that it discloses a suction arrangement with a suction catheter that can be advanced through a valve or barrier 155 for a similar purpose as the valve in the present invention. However, it is revealing to note that Lund does not anywhere suggest that a slidable ring similar to his ring 450 be used to open this valve 155 – instead, this valve is opened solely by the force applied to extend the catheter through the valve. Lund confines use of his slidable ring to the valve that is used to control suctioning, that is, flow of gas and aspirated fluids along the suction catheter. The fact that Lund chooses to use two different forms of valve in the same apparatus (one to control suctioning; the other to isolate the rear part of the apparatus after withdrawal of the catheter) is a clear indication that he did not appreciate that the sliding ring could be applied to the valve 155 through which the catheter is extended and that such an arrangement would bring considerable advantages (as pointed out in the amendment submitted on November 10, 2008).

In light of the above explanation, applicant submits that claims 3-11, 15 and 18 are patentably distinguishable over the cited prior art.

Respectfully submitted,

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Date: Nov 3, 2009